

AMENDMENTS TO THE DRAWINGS

Please amend Figure 3 to include reference numeral 108. The drawing amendments are described in the application as originally filed and discussed below. No new matter has been added.

REMARKS / ARGUMENTS

Status of Claims

Claims 1-41 are pending in the application and stand rejected. Claims 1, 40, 41 are objected to because of informalities. Applicant has amended Claims 1, 5, 6 and 39-41, and has added New Claims 42-45, leaving Claims 1-45 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Drawing Objections

Regarding Examiner's Paragraph 1

Figure 3 is objected to because it does not include reference numeral 108.

Applicant has amended Figure 3 to include reference numeral 108. No new matter has been added as antecedent support for the amendment may be found in the specification as originally filed at Paragraph [0025].

Applicant submits that the drawings now comply with 37 CFR 1.84(p)(5), and therefore respectfully requests that Examiner to reconsider and withdraw this objection, which Applicant considers to be traversed.

Regarding Examiner's Paragraph 2

The Examiner objects to the drawings under 37 CFR 1.83(a), alleging that the means for support and its interaction with the mobile carriage and the means for compression of an object against a tray are not shown.

Applicant traverses these objections for the following reasons.

Regarding the "means for support and its interaction with the mobile carriage"

At Paragraph [0015], Applicant describes a column 104 (the means for support).

At Figures 1 and 3, Applicant shows column 104.

At Paragraph [0016], Applicant describes a mobile carriage 105 being fixed through a sliding link to column 104 (the interaction).

At Figures 1 and 3, Applicant shows mobile carriage 105 coupled to column 104 at axis Oz.

Thus, in Paragraphs [0015-0016] and at Figures 1 and 3, Applicant describes and illustrates the means for support (104) and its interaction (sliding link illustrated by the circular coupling of the two parts about axis Oz) with the mobile carriage (105).

Accordingly, Applicant respectfully submits that the means for support and its interaction with the mobile carriage is clearly shown in the figures in such a manner that one skilled in the art would know what was meant.

Regarding the “means for compression of an object against a tray”

Applicant has amended Claim 1 such that the object tray is no longer a claim element, but is rather a descriptive term in the preamble.

At Paragraph [0015], Applicant describes an object tray (breast-support tray) as being well known in the art and therefore not necessary to be illustrated.

Since that which is old and well known in the art requires no further detailed description or illustration, Applicant submits that the scope of the claims is now commensurate with the disclosure in the specification and drawings.

Accordingly, Applicant respectfully submits that this objection has been obviated.

In view of the foregoing, Applicant submits that the drawings now comply with 37 CFR 1.83(a) and respectfully requests reconsideration and withdrawal of these objections.

Claim Objections

Claims 1, 40 and 41 are objected to for informalities relating to quotation marks.

Applicant has amended Claims 1 and 39-41 to remove the quotation marks as suggested by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1, 40 and 41 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

The Examiner comments that the claim term “smart device” is used by the claim to mean a device with “tracks and relays”, while the accepted meaning is “a programmable microprocessor based device”, and that if the claim term is contrary to its ordinary meaning, Applicant should specifically redefine the term in the written description.

Applicant traverses this rejection for the following reasons.

Applicant submits that where the claims define patentable subject matter with a reasonable degree of particularity and distinctness, the claims should be allowed. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as may be desired. Claims should not be rejected if the expression selected by Applicant satisfies the statutory requirements. In viewing a claim for compliance with 35 U.S.C. §112, second paragraph, the claim as a whole must be considered to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the required notice function. MPEP 2173.02. (Emphasis in the original).

At Paragraph [0008], Applicant describes a “smart device” as *comprising* a plurality of tracks and relays. Here, Applicant intentionally does not exclude other elements to the “smart device.”

At Figure 5 and the descriptive text thereof at Paragraphs [0032-0034], Applicant describes the flow of information from the compression pad 501, through the relays 502-506 to processor 514 and table 516, the information associated therewith being used by the mammography imaging apparatus, thereby further describing an embodiment of the “smart device”, as illustrated in Figure 5. While Applicant acknowledges that Paragraphs [0032-0034] do not specifically recite the term “smart device”, Applicant nonetheless

submits that one skilled in the art would recognize the term as having the accepted meaning of “a programmable microprocessor based device”, as recognized by the Examiner, and would readily associate the processor based control, as described and illustrated in the specification, as being associated therewith.

At Claims 39-41, and new Claim 42, Applicant clearly and more specifically describes and claims other embodiments of the invention of the “smart device” having elements relating to a processor and process based control scheme. Accordingly, Applicant submits that the term “smart device” is used in the application as originally filed in accordance with its ordinary and accepted meaning.

In view of the foregoing, Applicant respectfully submits that the claimed subject matter is described in such a manner that reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, defined the claimed subject matter with a reasonable degree of particularity and distinctness, and therefore respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §112, second paragraph, which Applicant considers to be traversed.

Rejections Under 35 U.S.C. §103(a)

Claims 1-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nields (U.S. Patent No. 6,459,925, hereinafter Nields) in view of Zimmermann (DE 101 08 297 A1, hereinafter Zimmermann).

The Examiner acknowledges that Nields fails to teach the means for compression comprising means for the identification of the means for compression cooperating with means for reading of the mobile carriage, and looks to Zimmermann to cure this deficiency. Paper 061205, Page 5.

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must

meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Furthermore, Applicant respectfully submits that an Examiner cannot establish obviousness by locating references which describe various aspects of a patent Applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent Applicant has done. *Ex parte Levengood*, 28, USPQ2d 1300, 1302 (Bd.Pat.App.Int., 1993). References may not be combined indiscriminately. It is not enough for a valid rejection to view the prior art in retrospect once an Applicant's disclosure is known. The art applied should be viewed by itself to see if it fairly disclosed doing what an Applicant has done. *In re Skoll*, 187 USPQ 481, 484 (CCPA, 1975) (citing *In re Schaffer*, 108 USPQ 326, 328-29 (CCPA, 1956)). "The test for an implicit showing [of obviousness] is what the combined teachings, knowledge of one of ordinary skill in the art, and *the nature of the problem to be solved as a whole* would have suggested to those of ordinary skill in the art." (Emphasis added). *In re Kotzab*, 217 F.3d 13645, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Applicant has amended Claim 1 to now recite, inter alia,

"...the means for compression carried by a mobile carriage along the means for support, the means for compression having a direction of mobility relative to the mobile carriage that is other than a direction of compression of the object;

the means for compression comprising means for the identification of the means for compression cooperating with means for reading of the mobile carriage irregardless of a lateral displacement of the means for compression relative to the means for reading...".

No new matter has been added as antecedent support may be found in the specification as originally filed, such as at Paragraphs [0023], [0025] and [0041] for example.

Dependent claims inherit all of the limitations of the parent claim.

At Paragraphs [0023], [0025], [0027], [0036] and [0039-0041], Applicant describes a compression pad 101 that can slide laterally with respect to the mobile carriage 105, while the identification tracks 202-205 still communicate with the identification reader 109, thereby allowing the identification tracks to be detected whatever the position of the compression pad on the mobile carriage. As such, embodiments of the invention provide for automatic detection of both *the type of compression pad* used for imaging and *the position of the compression pad* on the mobile carriage.

In comparing Nields and Zimmermann with the claimed invention, Applicant submits that the combination of References fails to teach each and every element of the claimed invention, fails to recognize the problem of detecting a compression pad that has been laterally displaced with respect to a mobile carriage (in a direction other than compression), and fails to offer a solution to such a problem.

At Figure 3 of Nields, Applicant finds the Nields compression paddle 34 to have a direction of mobility relative to the support arm 20 that is *in the direction of compression* of the breast, and therefore to be absent any teaching of “the means for compression carried by a mobile carriage along the means for support, *the means for compression having a direction of mobility relative to the mobile carriage that is other than a direction of compression of the object*”, which is specifically claimed for in the instant invention.

At Figure 1 and Paragraph [0033] of Zimmermann, Applicant finds the Zimmermann sensor holder 1 and sensor 5 to be *stationary with respect to each other*, and therefore to be absent any teaching of “the means for compression comprising means for the identification of the means for compression cooperating with means for reading of the mobile carriage *irregardless of a lateral displacement of the means for compression relative to the means for reading*”, which is specifically claimed for in the instant invention.

As such, Applicant submits Nields is deficient in teaching each and every element of the claimed invention, and that Zimmermann fails to cure the deficiencies of Nields.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

Regarding New Claim 42

Applicant has added new Claim 42, which depends from Claim 1. No new matter has been added as antecedent support may be found in the specification as originally filed, such as at Paragraphs [0032-0034] and at Figure 5 for example.

For at least the reasons set forth above regarding the allowability of Claim 1, Applicant submits that Claim 42 is directed to allowable subject matter, and therefore respectfully requests entry and notice of allowance thereof.

Regarding New Claims 43-45

Applicant has added new independent Claim 43, which is directed to subject matter similar to that of Claim 1 but in alternative language. No new matter has been added.

For at least the reasons set forth above regarding the allowability of Claims 1-42, Applicant submits that Claims 43-45 are directed to allowable subject matter, and therefore respectfully requests entry and notice of allowance thereof.

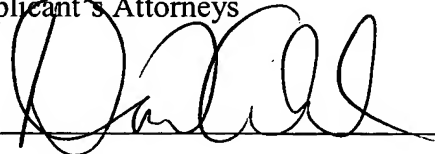
The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 50-2513.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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